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Luly Massaro  
Rhode Island Public Utilities Commission  
89 Jefferson Boulevard  
Warwick, RI 02888

Re: Docket No. 5145 – Reconsideration of Interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii)

Clean Economy Development, LLC appreciates the opportunity to provide public comment to the Rhode Island Public Utilities Commission (“RIPUC” the “Commission”) with respect to RIPUC Docket No. 5145 and the Commission’s reconsideration of its interpretation of R.I. Gen. Laws § 39-26.4-2(5)(ii).

### Background

CED, a Rhode Island Minority Business Enterprise (MBE), provides specialized renewable energy consulting services to a wide range of clients. Often, CED acts as our clients’ “in-house” energy expertise, on an outsourced basis. CED’s core capabilities is in the procurement of renewable energy. CED has advised and assisted its clients in the procurement (identification, financing, contract negotiation, operation and management) of over 100 MW of renewable energy projects.

Approximately 52 MW of our client transactions have been on behalf of public agencies, non-profits and educational institutions, many of the non-profit clients utilizing Remote Net Metering (RNM) as the means to secure their long-term energy savings.

### Client Impact

Remote net metering was designed and implemented as an effective means for organizations, who face challenges participating in the broader renewable energy market, to access the benefits of renewables. Some of these challenges include an organizations’ ability to utilize varied economic incentives such as the federal renewable energy investment tax credits, ability to raise project financing or other capital for project development, and quite simply, the inability to host adequately sized renewable energy projects on their own building and land due to unalterable limiting factors such as size and resource availability.

Our non-profit clients facing these challenges chose remote net metering as the best route to participate in the state’s growing renewable energy economy. CED’s portfolio of non-profit clients are estimated to save the following through their long-term RNM financing arrangements:

*\$2.2MM: Annual bill credits received by CED’s non-profit clients (cumulative).*  
*\$65MM: Lifetime bill credits received by CED’s non-profit clients (cumulative).*

CED’s non-profit clients have come to depend on these utility bill savings and have them built into their operating budgets. Losing these utility bill savings will not only have obvious and devastating economic impact on these organizations directly, but will impact the broader Rhode Island community. Eliminating these RNM savings from non-profit operating budgets will leave them with diminished capacity to deliver their services. To provide some context, a snapshot of the services and value CED’s portfolio of non-profit clients provide across Rhode Island include:

3,100:	Rhode Islanders who receive homeless, housing and housing-related services each year.
1 million:	Pounds of food delivered to Rhode Island families in need each month.
53,000:	Rhode Islanders who receive food to avoid hunger each month.
141,000:	Free meals served through Rhode Island’s largest Soup Kitchen each year.
110:	Students receiving substantial academic financial aid to attend high-performing school.
3,000+	Units of affordable housing units developed for low/moderate income households.

Eliminating remote net metering credit eligibility for non-profits will impede their ability to sustain operations and deliver their same levels of service. And while the community impact of CED's non-profit base is highlighted above, this simply represents just a sampling of non-profits in the overall market that are utilizing remote net metering, and could be negatively impacted by this ruling.

Besides the economic and community impact non-profits may face as a result of this ruling, there are broader market impacts to consider as well. Most significantly is the ability for Rhode Island to provide clarity and certainty in the regulatory environment. This is important not only for the renewable energy market, but for any market, and sets the foundation for the state's ability to implement successful economic development and job creation initiatives.

To date, all of the participants involved in RNM have understood and agreed on both the intent and written meaning of the legislation. Per RIGL § 39-26.4-2.(5), an "Eligible Net Metering System" is:

"any Eligible Net Metering Resource . . . owned and operated by a renewable generation developer on behalf of a Public Entity, Educational Institution, Hospital, Nonprofit, or Multi-Municipal Collaborative through a Net Metering Financing Arrangement . . ."

It is clear that the use of "a" is intended to define a minimum, not a maximum number of Eligible Entities that a renewable generation developer may own or operate an Eligible Net Metering System on behalf of. There is no limiting language, that specifies that it must be owned/operated only or solely for a single Eligible Entity, simply that the Eligible Net Metering System needs at least one ("a") to meet the criteria.

This understanding is not limited to the project developer and off-taker side of the marketplace. National Grid has demonstrated that their interpretation and implementation of this legislation is aligned with this position as well. With administrative responsibility for RNM application and approval (primarily via the Utility Schedule B process), their acceptance and subsequent allocation of net metering credits supports the position that "a" establishes a minimum, rather than a maximum, number of Eligible Entities.

Implementing changes, particularly changes that have a retroactive effect, will not only cause the immediate project sponsors, developers and off-takers irreparable harm, but will eradicate any and all confidence in the marketplace from future developers, investors, off-takers and others. We believe this negative impact will not be limited to Rhode Island remote net metering projects, but will extend across the entire Rhode Island renewable energy market as a whole.

I would like to reiterate our appreciation for the Commission's decision to review this interpretation, and for taking the time to consider these and other comments submitted. It is our request that the Commission not only protect the existing remote net metering arrangements, but revert to the original accepted interpretation, allowing for the continued eligibility of multiple Eligible Entities, including non-profits, to participate in remote net metering financing arrangements with a singular Eligible Net Metering System.

CED certainly willing to continue to participate in this review, as needed and/or requested of by the Commission. Please do not hesitate to reach out to me directly with any questions, comments or other follow up. I can be reached at (401) 484-1570 and [jdash@cleaneconomydevelopment.com](mailto:jdash@cleaneconomydevelopment.com).

Sincerely,



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Clean Economy Development, LLC